

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF APRIL 1998

BEFORE :

THE HON'BLE MR.JUSTICE G.PATRI BASAVANA GOUD

WRIT PETITION No.33581/1996

Between :

1. The Executive Engineer,  
W & M Dn.No.2, Hunsigi,  
Taluk:Shorapur,  
Dist: Gulbarga.

2. The Asst.Executive Engineer,  
W & M Dn.No.2, Hunsigi,  
Taluk : Shorapur,  
Dist: Gulbarga.

.. Petitioners

( By Sri.K.H.Jagadish, HCGA )

And :

1. Manohar s/o Gangappa Mayachari,  
(Allur) major, W & M  
Sub-Division No.2,  
Hunsigi, Post: Nalwatwad,  
Taluk: Muddebihal,  
Dist: Bijapur.

2. The Labour Court, Gulbarga,  
by its Presiding Officer.

.. Respondents

( By M/s.Patil & Patil, Advocates for R-1 )

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This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to quash Annex.A dated 30.10.1995 by R2.

This Writ Petition is coming on for orders this day, the Court made the following :

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**ORDER**

The award of the Labour Court, Gulbarga, dated 30.10.1995 as at Annexure-'A' is sought to be quashed in this writ petition under Articles 226 & 227 of the Constitution by the petitioners-employers.

2. The 1st respondent-workman raised an industrial dispute with regard to termination of his services contending that, he had continuously worked on daily wages from 1.1.1980 to 21.8.1983 and that his services came to be terminated without compliance with Section 25-F of the Industrial Disputes Act, 1947 ('Act' for short). On behalf of the petitioner-employer, an Assistant Executive Engineer was examined before the Labour Court and the said witness admitted that the 1st respondent had been appointed, but, that the 1st respondent had not worked for 240 days and more. Having regard to the evidence on record, the Labour Court has found that the 1st respondent had worked for 240 days and more, that is, continuous service within the meaning of Section 25-B of the Act. Admittedly, there was no compliance with Section 25-F of the Act. The



Labour Court has, therefore, rightly directed reinstatement of the 1st respondent. Having regard to the delay in raising the dispute, the Labour Court has restricted payment of back wages only from the date of claim petition and that too, only to the extent of 50% of back wages.

3. There is no infirmity in the impugned award. Writ petition is dismissed with a direction that the 1st respondent shall be reinstated in service within two months and shall be paid back wages within four months as directed in the award from the date a certified copy of this order is made available to the 2nd petitioner.



Sd/-  
JUDGE